

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/11/2025
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

JUAN HERNANDEZ,

Defendant.

1:23-cr-110-MKV

ADDITIONAL ORDER OF
RESTITUTION

MARY KAY VYSKOCIL, United States District Judge:

ADDITIONAL ORDER OF RESTITUTION AS TO JUAN HERNANDEZ

On January 24, 2025, Gilead Science, Inc., Gilead Sciences Ireland UC, and Gilead Sciences, LLC (together, “Gilead”), submitted a motion seeking restitution from Defendant Juan Hernandez. [ECF No. 429]. In support Gilead submitted a proposed restitution order, [ECF No. 429-5], a memorandum of law, [ECF No. 430], and a declaration of Harpreet Dhamota. [ECF No. 431]. The Court Ordered that Defendant Juan Hernandez and the Government shall file any response to Gilead’s motion on or before February 26, 2025. [ECF No. 435]. Neither Defendant Hernandez nor the Government opposed or otherwise filled any response to Gilead’s motion to seeking restitution as to Defendant Hernandez. The Court held Defendant Hernandez’s sentencing on April 7, 2025 at which time the Court raised the issue of Gilead’s motion seeking restitution and Defendant’s failure to file any response. Counsel for Defendant noted for the record that although Defendant Hernandez did not file any response or opposition as required by the Court, he does in fact oppose Gilead’s motion seeking restitution.

The Court has carefully reviewed the motion and the evidence submitted in support of the requested restitution. Because Defendant Hernandez participated in a conspiracy that sold illegitimate medications and Gilead, as the manufacturer of the authentic version of those medications, was deprived of sales of legitimate medications that it would have made if not for

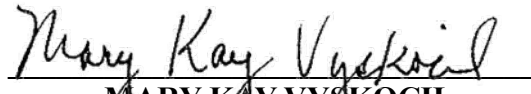
Defendant Hernandez's crimes, the Court concludes, as other federal courts previously have concluded, *see e.g. United States v. Papyan*, No. 18-CR-00533, 2024 WL 4876945 (N.D. Cal. Nov. 22, 2024), that Gilead is a victim and is entitled to restitution in the form of its lost sales and profits. *See U.S. v. Milstein*, 481 F.3d 132, 137 (2d Cir. 2007). The Court finds Gilead's application for restitution is meritorious. Accordingly,

IT IS HEREBY ORDERED that Juan Hernandez shall pay restitution to Gilead Sciences, LLC in the amount of \$2,388,872.78, pursuant to 18 U.S.A. §§ 3663, 3663A, and 3664.

Restitution is joint and several with co-defendant Irina Polvanova if and to the extent she is found liable.

SO ORDERED.

**Date: April 11, 2025
New York, NY**



MARY KAY VYSKOCIL
United States District Judge